



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

July 10, 2012
1201-VU-01
Exhibit 1

Petition Number: 1207-VS-08

Subject Site Address: 4085 Country Place Drive, Zionsville, IN 46077

Petitioner: Glenn and Shanon Kotnik

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.04.030.6.c) to reduce the rear yard setback from thirty (30) feet to twenty (20) feet in the Agriculture/Single-Family 1 (AG-SF1) District to accommodate a new accessory building.

Current Zoning: Agriculture/Single-Family 1 (AG-SF1)

Current Land Use: Residential

Approximate Acreage: .71 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner's Application

Staff Reviewer: Sarah L. Reed, AICP

Petition History

This petition will receive a public hearing at the July 10, 2012 Board of Zoning Appeals meeting.

Property Location and Description

The subject property is approximately three-quarters (.71) acres in size and is located 4085 Country Place Drive (the "Property"). The Property is zoned Agriculture/Single-Family 1 (AG-SF1) and is completely surrounded by AG-SF1 zoning.

The petitioner would like to reduce the rear yard setback from thirty (30) feet to twenty (20) feet in order to construct an accessory building. Presently, the AG-SF1 district requires a thirty (30) foot rear yard setback and is the reason for the variance request. All other zoning requirements that would apply to the accessory building would be met.



Procedural

A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that the submitted proposal would be would be injurious to the public health, safety, morals, and general welfare of the community. Accessory buildings are allowed on residential/agricultural properties and the surrounding residential/agricultural properties are used in the same manner.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. Accessory buildings are permitted and contemplated in the AG-SF1 district. Also, the style of the proposed accessory building will be similar to the existing home on the property. Any feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strict adherence to the Zoning Ordinance is not practical due to the location of the home's septic system.

Recommendations

If the Board finds that the use and value of adjacent property will not be affected in a substantially adverse manner, then approve 1207-VS-08 based on the findings of this report.